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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ZIMMERI CONTRERAZ,

9 Plaintiff,

10 v.

11 CITY OF TACOMA; SOUTH SOUND
911; CHRISTOPHER BAIN,

12 Defendants.

CASE NO. 3:22-cv-05106

ORDER

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14 This matter comes before the Court on Defendants City of Tacoma and
15 Christopher Bain's Motion to File Overlength Motion For Summary Judgment. Dkt.
16 No. 82. Defendants' request leave to file a 35-page summary judgment motion
17 because of "the number and variety of claims made by plaintiff and the complexity
18 of the legal issues and defenses involved." Dkt. No. 82 at 1. As a result, they argue,
19 Defendants "require more than the twenty-four pages allowed in Local Rule 7(e)(3)
20 in order to adequately address all of plaintiff's claims and relevant legal
21 arguments." *Id.* at 1–2.

22 But under the current version of the rules, effective February 1, 2023,
23 motions and briefs produced using a computer are limited by word count, not page

1 length. *See* LCR 7(e)(3) (“Motions for summary judgment ... and briefs in opposition
2 shall not exceed 8,400 words....”). Now, Parties are also required to include at the
3 end of every brief a “certification of the signer as to the number of words,
4 substantially as follows: ‘I certify that this memorandum contains ____ words, in
5 compliance with the Local Civil Rules.’” LCR 7(e)(6).

6 Before the Court could rule on Defendants’ motion for overlength, however,
7 Defendants filed their summary judgment motion. Dkt. No. 83. Consistent with the
8 prior version of LCR 7(e)(3), Defendants’ summary judgment motion totals 24
9 pages. *Id.* Defendants did not include a certification regarding the number of words
10 in the brief, but the Court estimates that it contains around 9,045 words, inclusive
11 of footnotes and headings. *See id.*

12 Accordingly, the Court denies Defendants’ Motion as moot. Given the Court’s
13 delay in ruling on Defendants’ overlength motion and the fact that they have
14 already filed their summary judgment motion, the Court will exercise its discretion
15 to consider Defendants entire summary judgment motion even though it exceeds the
16 word count by perhaps a few hundred words. *But see* LCR 7(e)(6) (“The Court may
17 refuse to consider any text, including footnotes, which is not included within the
18 word or page limits.”). To balance things out, the Court grants Plaintiffs leave to file
19 an opposition brief not to exceed 9,045 words. Defendants’ reply is limited to 4,200
20 words. *See* LCR 7(e)(3).

21 It is so ORDERED.
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1 Dated this 11th day of January, 2024.

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4 Jamal N. Whitehead
5 United States District Judge
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